

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1013 Daylight Saving Time

**SPONSOR(S):** Nuñez and others

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee		Rivera	Miller
2) Government Accountability Committee			

### SUMMARY ANALYSIS

The United States Congress established a uniform standard of time, created standard time zones across the U.S., and adopted a national standard for Daylight Saving Time (DST) under the Uniform Time Act of 1966 (Act). The Act creates nine time zones and defines DST as the advancement of time by one hour from the Second Sunday in March to the First Sunday in November. Congress preempted state law in this area, and states are only permitted to exempt themselves from observing DST. The exemption must apply across an entire state or the entire part of a state that rests in a particular standard time zone.

The bill declares this Legislature's intent to observe Daylight Saving Time year-round throughout the entire state if federal law is amended to allow the state to do so.

The bill provides the act to take effect July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### The Standard Time Act of 1918

In 1918, the U.S. enacted the Standard Time Act which nationally adopted a standard measure of time, created five standard time zones across the continental U.S., and instituted Daylight Saving Time (DST) nationwide as a war effort during World War I.<sup>1</sup> DST advanced standard time by one hour from the last Sunday in March to the last Sunday in October.<sup>2</sup> DST was repealed after the war but the standard time provisions remained in place.<sup>3</sup> During World War II, a national DST standard was revived and extended year-round from 1942 to 1945.<sup>4</sup>

##### Uniform Time Act of 1966

Following World War II and the end of the national observance of DST, state and local governments individually determined whether and how to observe DST which caused confusion in business and industry.<sup>5</sup> The Uniform Time Act of 1966 (Act) revised the measure of standard time established by the Standard Time Act of 1918, created additional time zones, and adopted a uniform DST standard nationwide.<sup>6</sup> The Secretary of Transportation is given the authority to adopt rules and regulate standard time and DST, and is directed to foster and promote widespread and uniform adoption and observance of the same standard of time in each standard time zone.<sup>7</sup>

The Act creates nine standard time zones<sup>8</sup> and defines DST as the advancement of time by one hour from the second Sunday of March to the first Sunday of November.<sup>9</sup> The Act preempts state and local law regulating the observance of DST in any manner inconsistent with federal law.<sup>10</sup> States are only permitted to exempt themselves from observing DST, and may do so in two ways:

- When the entire state lies within one time zone, it may exempt itself entirely, including all political subdivisions, or

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<sup>1</sup> 40 Stat. 450 (1918). Germany was the first country to implement DST in 1916 to conserve fuel, take advantage of more usable daylight hours, and win the war. See Abigail Abrams, *Daylight Saving Time Is This Weekend. Here's What You Need to Know*, Time, Nov. 3, 2017, available at <http://time.com/5007531/when-is-daylight-saving-time-2017/> (accessed 1/19/18).

<sup>2</sup> 40 Stat. 451 (1918).

<sup>3</sup> See 56 Stat. 9 (1942).

<sup>4</sup> See Stephen Fidler, *Daylight-Saving Time*, Wall Street Journal, available at <http://online.wsj.com/ww1/daylight-saving-time> (accessed 1/19/18).

<sup>5</sup> Id.

<sup>6</sup> 15 U.S.C. ss. 260-267 (2017).

<sup>7</sup> 15 U.S.C. s.260 (2017).

<sup>8</sup> 15 U.S.C. s. 263 (2017). The nine time zones are: Atlantic standard time (zone 1); eastern standard time (zone 2); central standard time (zone 3); mountain standard time (zone 4); Pacific standard time (zone 5); Alaska standard time (zone 6); Hawaii-Aleutian standard time (zone 7); Samoa standard time (zone 8); and Chamorro standard time (zone 9). Time in the zones is offset by a certain number of hours from Coordinated Universal Time (UTC) which is calculated by the number of zones it takes to reach UTC. UTC, formerly Greenwich Mean Time, is the time at the 0° longitude meridian in Greenwich, England. See 15 U.S.C. 261 and the National Oceanic and Atmospheric Administration (NOAA), *What is UTC or GMT?*, <https://www.nhc.noaa.gov/about-utc.shtml> (accessed 1/20/18). Some places that lie exactly on a meridian offset their standard time to the half-hour, such that St. John's, Newfoundland and Labrador, Canada, is 3 and 1/2 hours behind UTC. Time and Date AS, <https://www.timeanddate.com/information/> (accessed 1/20/18). The U.S. treats areas laying on meridians as if they rested within a time zone and does not observe half-hour offsets. See 49 C.F.R. s. 71.5 (2017).

<sup>9</sup> 15 U.S.C. s. 260a(a) (2017). DST begins and ends at 2a.m. on each respective Sunday.

<sup>10</sup> 15 U.S.C. 260a(b) (2017).

- When the state lies in more than one time zone, it may exempt the entire state in the same manner as if it were entirely within one time zone or the entire area within one time zone.<sup>11</sup>

### **Effect of Proposed Change**

The bill states the intent of this Legislature to extend the observance of DST year-round throughout the entire state and its counties if the United States Congress amends the Uniform Time Act of 1966, as amended, to permit States to take such action.

The bill provides the act to take effect July 1, 2018.

#### **B. SECTION DIRECTORY:**

- Section 1. Creates the “Sunshine Protection Act” and establishes Legislative intent to enact year-round observance of Daylight Saving Time if 15 U.S.C. s. 260a is amended to permit year-round observance of Daylight Saving Time.
- Section 2. Provides the act will take effect July 1, 2018.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:  
None.
2. Expenditures:  
None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:  
None.
2. Expenditures:  
None.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

#### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:  
None.

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<sup>11</sup> 15 U.S.C. s. 260a(a). The Act originally only allowed for the exemption of the entire state but the partial exemption was added in 1972. See 86 Stat. 116 (1972).

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill neither provides authority nor requires rulemaking by executive branch agencies.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**